

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 4-9 and 13-18 are pending in the application, with 4, 7, 13, and 16 being the independent claims. Claims 1-3 and 10-12 have been canceled without prejudice to the subject matter therein. Claims 4, 6, and 13 are amended. Support for the amendment of claims 4 and 13 may be found at reference 314 of FIG. 3 and at para. 0017 and 0040 of the Specification. Claim 6 is amended to correct a typographical error. These changes introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 13-15, arguing that these claims are directed to non-statutory subject matter. Independent claim 13 has been amended to recite a device containing instructions which, when executed by a processing system, cause the processing system to perform the indicated processing. As amended, this claim now recites a device that necessarily cannot be a signal or wave. For at least this reason, claim 13 as amended complies with 35 U.S.C. § 101.

Claims 14 and 15 depend from claim 13 as amended and therefore include all features thereof. Claims 14 and 15 therefore recite a device that cannot be a signal or wave. For at least this reason, claims 14 and 15 both comply with 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-3 and 10-12 under 35 U.S.C. §103. These claims have been canceled, rendering their rejection moot.

The Examiner has rejected claim 4, arguing that this claim is obvious over U.S. Patent Application Publication 2004/0181814 A1 (“Ellis”) in view of U.S. Patent Application Publication 2005/0081245 A1 (“Arad”) and further in view of U.S. Patent 6,876,970 B1 (“Silver”). Among other features, the cited art fails to disclose or suggest a role of a remote control in the method of claim 4 as amended.

The Examiner first addresses the feature of determining, by a remote control, a last channel to which a television was tuned prior to the television being turned off. The Examiner argues that this feature is rendered obvious by Ellis in view of Silver. While Ellis may describe determination of a reserved channel, and Silver may mention the determination by a receiver of the last channel viewed, neither discloses nor suggests the determination, by a remote control, of the last channel to which a television was tuned.

The Examiner also discusses the feature of determining, by the remote control, whether the last channel tuned to prior to being turned off was a radio frequency remodulated (RF-remodulated) channel via a media center set-top box. The Examiner argues that this feature is rendered obvious over Ellis, Arad, and Silver. While Ellis may discuss a set-top box (STB) that tunes to a particular channel, Arad may discuss a radio-

frequency (RF) remodulated channel, and Silver may discuss a last-viewed channel, none of these references discloses or suggests the recited feature. The references fail to disclose or suggest the determination, by a remote control, of whether the last channel tuned to prior to being turned off was a radio frequency remodulated (RF-remodulated) channel.

The Examiner further discusses the feature of sending, from the remote control, a signal to the media center set-top box to indicate that the television is on line with the RF-remodulated channel, if the last channel was an RF-remodulated channel. The Examiner argues that this feature is obvious over Ellis in view of Silver. Ellis may disclose signaling to a STB, and Silver may disclose a last viewed channel, but neither reference discloses or suggests sending a signal to a set-top box, where the signal indicates that the television is on line with the RF-remodulated channel, if the last channel was an RF-remodulated channel.

The Examiner also discusses the feature of receiving, from the media center set-top box, an indication identifying a cable channel that was most recently RF-remodulated for transmission on the RF-remodulated channel for the television, if a tuner in the media center set-top box is not available for the television. This feature has been amended to recite that the indication is received at the remote control. Neither Ellis, Arad, nor Silver discloses or suggests the receipt, at a remote control, of such an indication. Nor do any of the references disclose or suggest the receipt of such an indication in the event that a tuner in the STB is unavailable.

Finally, the Examiner argues that the cited references suggest the feature of automatically changing the television, with the remote control, to the identified cable

channel to satisfy expectations of a user when the tuner is not available for the television.

While the cited art may disclose the changing of a television to an identified cable channel, none of the references disclose or suggest doing so on the condition of the tuner's unavailability.

For at least these reasons, the cited references, whether considered singly or in any reasonable combination, fail to disclose or suggest features of claim 4 as amended. This claim is therefore not obvious over the Ellis, Arad, and Silver references.

Claims 5 and 6 depend from claim 4 as amended and therefore include all features thereof. Given that the cited art fails to disclose or suggest all features of claim 4 as amended, the cited art also fails to disclose or suggest all features of either claim 5 or claim 6. Neither claim is obvious over the Ellis, Arad, and Silver references, whether these references are considered alone or in any reasonable combination.

The Examiner has also rejected claim 7, arguing that this claim is obvious over Ellis in view of Arad and further in view of Silver. As in the case of claim 4, the cited references, whether considered or in any reasonable combination, do not disclose or suggest features of claim 7. In particular, the cited art fails to disclose or suggest a media center set-top box,

wherein the remote control determines a last channel to which the television was tuned prior to the television being turned off,

wherein the remote control determines whether the last channel tuned to prior to being turned off was a radio frequency remodulated (RF-remodulated) channel,

wherein the remote control sends a signal to the media center set-top box to indicate that the television is on line with the RF-remodulated channel if the last channel was a RF-remodulated channel,

wherein the remote control receives an indication from the media center set-top box, the indication identifying a cable channel that was most recently RF-remodulated for transmission on the RF-remodulated channel for the television if a tuner in the media center set-top box is not available for the television, and

wherein the remote control automatically changes the television to the identified cable channel to satisfy expectations of a use when the tuner is not available for the television.

For at least these reasons, claim 7 is not rendered obvious over Ellis, Arad, and Silver, whether considered alone or in any reasonable combination.

Claims 8 and 9 depend from claim 7 and therefore include all features thereof. Given that the cited art fails to disclose or suggest features of claim 7, the cited art also fails to disclose or suggest features of claim 8 and claim 9. Neither claim is obvious over the Ellis, Arad, and Silver references, whether these references are considered alone or in any reasonable combination.

The Examiner has also rejected claim 13, arguing that this claim is obvious over Ellis in view of Arad and further in view of Silver. As in the case of claim 4, the cited references, whether considered alone or in any reasonable combination, fail to disclose or suggest features of claim 13 as amended. In particular, the cited art fails to disclose or suggest any of the following features of this claim:

determining, by a remote control, a last channel to which a television was tuned prior to the television being turned off;

determining, by the remote control, whether the last channel tuned to prior to being turned off was a radio frequency remodulated (RF-remodulated) channel via a media center set-top box;

if the last channel was an RF-remodulated channel, then sending, from the remote control, a signal to the media center set-top box to indicate that the television is on line with the RF-remodulated channel;

if a tuner in the media center set-top box is not available for the television, then receiving at the remote control, from the media center set-top box, an indication, the indication identifying a cable channel that was most recently RF-remodulated for transmission on the RF-remodulated channel for the television; and

automatically changing the television with the remote control to the identified cable channel to satisfy expectations of a user when the tuner is not available for the television.

For at least these reasons, claim 13 as amended is not obvious over the Ellis, Arad, or Silver references, whether these references are considered alone or in any reasonable combination.

Claims 14 and 15 depend from claim 13 as amended and therefore include all features thereof. Given that the cited art fails to disclose or suggest all features of claim 13 as amended, the cited art also fails to disclose or suggest all features of either claim 14 or claim 15. Therefore neither claim is obvious over the Ellis, Arad, and Silver

references, whether these references are considered alone or in any reasonable combination.

The Examiner has also rejected claim 16, arguing that this claim is obvious over Ellis, in view of Arad and Silver. As in the case of claim 4 as amended, the cited references, whether considered or in any reasonable combination, fail to disclose or suggest features of claim 16 as amended. In particular, the cited art fails to disclose or suggest a remote control,

wherein the remote control determines a last channel to which the television was tuned prior to the television being turned off,

wherein the remote control determines whether the last channel tuned to prior to being turned off was a radio frequency remodulated (RF-remodulated) channel via a media center set-top box,

wherein the remote control sends a signal to the media center set-top box to indicate that the television is on line with the RF-remodulated channel if the last channel was a RF-remodulated channel,

wherein the remote control receives an indication from the media center set-top box, the indication identifying a cable channel that was most recently RF-remodulated for transmission on -the RF-remodulated channel for the television if a tuner in the media center set-top box is not available for the television, and

wherein the remote control automatically changes the television to the identified cable channel to satisfy expectations of a use when the tuner is not available for the television.

For at least these reasons, claim 16 is not obvious over the cited art.

Claims 17 and 18 depend from claim 16 and therefore include all features thereof. Given that the cited art fails to disclose or suggest all features of claim 16, the cited art also fails to disclose or suggest all features of either claim 17 or claim 18. Therefore neither claim is obvious over the Ellis, Arad, and Silver references, whether these references are considered alone or in any reasonable combination.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

GARRETT IP, L.L.C.

/s/ Edward W. Yee

Edward W. Yee
Attorney for Applicants
Registration No. 47,294

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3060 Georgia Ave.
Suite 270
Glenwood MD 21738
(301) 421-1449